

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

RICHARD SITCHA,

Petitioner,

v.

FREDERICK MACDONALD, et al.,

Respondents.

FILED  
IN CLERK'S OFFICE  
2005 JAN -5 A 8:28  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

Civil Action No:

04cv30090-MAP

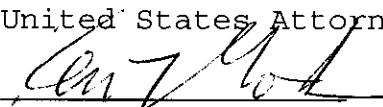
NOTICE OF FILING AFFIDAVIT

The respondents hereby file the attached affidavit of Anthony D. Collins, the petitioner's former counsel, in order to clarify events surrounding the petitioner's failure to appeal the Board of Immigration Appeals decision.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
Karen L. Goodwin  
Assistant U.S. Attorney  
U.S. Attorney's Office  
Federal Building & Courthouse  
1550 Main Street, Room 310  
Springfield, MA 01103

CERTIFICATION

This is to certify that a copy of the foregoing was mailed this date, postage prepaid, to John P. McKenna, McKenna and Associates, P.C., 1357 Main Street, Suite 305, Springfield, MA 01103.

  
Karen L. Goodwin

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SITCHA RICHARD : Case No. 04-CV-300090-MAP  
(A95 461 653) :

v. :

Frederick MacDonald, High Sheriff, Franklin : December 8, 2004  
County House of Corrections et al.

**AFFIDAVIT OF ANTHONY D. COLLINS**

1. I, Anthony D. Collins, am over the age of 18 and understand the obligation of an oath.

2. I am an attorney licensed to practice law in the State of Connecticut. I have been practicing immigration law since 1991.

3. I represented Richard Sitcha in proceedings before the immigration court in Hartford, Connecticut on Mr. Sitcha's claim for asylum. The immigration court granted Mr. Sitcha asylum and then, after reopening his case, revoked his asylum. I filed an appeal on Mr. Sitka's behalf with the Board of Immigration Appeals.

4. After I filed the appeal, but before the Board of Immigration Appeals rendered a decision, Mr. Sitcha fired me.

5. I read the affidavit that Mr. Sitcha filed on November 5, 2004. The affidavit did not accurately reflect the information that I provided to Mr. Sitcha regarding his options for pursuing review of the decision of the Board of Immigration Appeals. My office contacted Mr. Sitcha's attorney and provided additional information. Mr. Sitcha then filed a "Supplemental Affidavit." Because this supplemental affidavit still does not accurately present the efforts that I made to inform Mr. Sitcha of his options for review of the decision of the Board of Immigration Appeals, I have prepared this affidavit.

6. On February 27, 2004, I received the Board of Immigration Appeals' decision dismissing Mr. Sitcha's appeal. I forwarded a copy of that decision to Mr. Sitcha with a cover letter, in which I explained that he should seek legal advice regarding his options.


(Exhibit A, letter signed by Anthony D. Collins, dated February 27, 2004). I also informed him that if he sought review of that decision, he had a short period in which to do so, in most cases 30 days from the date of the decision.

7. In a letter dated March 3, 2004, Mr. Sitha returned my original letter to me, along with the decision of the Board of Immigration Appeals. In the letter, he noted my diligence in sending this correspondence to me and repeated that he no longer wanted me to represent him. (Exhibit B, letter signed by Richard Sitha, dated March 3, 2004).

8. On Monday, March 15, 2004, I received e-mail correspondence from Peter Goselin, who stated that he had been deputized to act on behalf of Richard Sitha. I responded to Mr. Goselin on that same day and told him: "A petition for review with the Second Circuit must be filed within 30 days of the Board's decision. A motion to reconsider must also be filed within 30 days of the Board's decision. Finally, a motion to reopen must be filed within 90 days of the Board's decision." Exhibit C, e-mail message exchange between Anthony D. Collins and Peter Goselin.

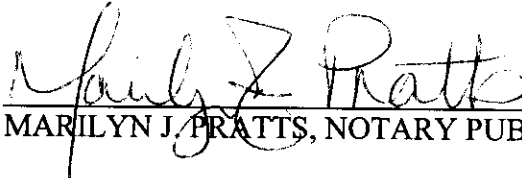
9. In addition to these steps, I informed Mr. Sitha's representative, Lorena Dutelle, in person, on at least two occasions of the deadline for Mr. Sitha to seek review of the decision of the Board of Immigration Appeals.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



ANTHONY D. COLLINS

Subscribed and sworn to before  
me this the 8<sup>th</sup> day of December, 2004.



MARILYN J. PRATTS, NOTARY PUBLIC

**MARILYN J. PRATTS**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES JULY 31, 2008

LAW OFFICE OF  
**ANTHONY D. COLLINS, P.C.**  
GENERAL PRACTICE AND IMMIGRATION LAW

664 FARMINGTON AVENUE  
HARTFORD, CONNECTICUT 06105  
E-MAIL: [acollins@immigrationlawyerct.com](mailto:acollins@immigrationlawyerct.com)

ANTHONY D. COLLINS

NANCY E. MARTIN

TELEPHONE  
(860) 233-1616  
FAX  
(860) 233-8578

February 27, 2004

Mr. Richard Sitcha  
Inmate # 314760  
Osborn C. I.  
100 Bilton Road  
P.O. Box 100  
Somers, CT 06071

Dear Mr. Sitcha:

I am enclosing a copy of the BIA's decision on your appeal, which I received in the mail today. Unfortunately, the BIA dismissed your appeal. You may wish to seek legal advice on the options available to you in light of this dismissal. Please be aware that if you seek to file for any kind of review of this decision, you have a very short period of time in which to do so, in most cases 30 days from the date of the decision.

I understand from your last letter that I no longer represent you. I am closing my file.

Sincerely,

  
Anthony D. Collins

Exhibit A

11/18/2004 TUE 12:03 FAX

Closed

03-03-04 AJW

DEAR EX ATTORNEY

IT'S AMAZING TO SEE THAT YOU ARE VERY DILIGENT THIS TIME. I DON'T KNOW WHY YOU WANT TO FORCE TO CONTINUE BEING MY LAWYER. I DON'T RECOGNIZE ANYTHING COMING FROM YOU. ON FEBRUARY 10<sup>TH</sup> 2004 I SENT TO THE BIA CLERK A LETTER TO CANCEL ALL ACTS YOU DID ON MY BEHALF ABOUT MY CASE. THAT'S MY RIGHT AND THE CLERK HAVE TO RESPECT IT IF NOT HE WILL BE IN VIOLATION OF THE DUE PROCESS OF MY DEFENSE. MY ASYLUM IS GRANTED AND I DON'T NEED NO APPEAL. WHEN ASYLUM IS GRANTED ONLY THE U.S. ATTORNEY GENERAL CAN REMOVE IT IF HE NOTICES THAT YOU'RE A DANGER FOR THE COMMUNITIES OR FOR NATIONAL SECURITY. IT'S WHY YOU CAN GIVE ME A COPY FOR A DECISION WHICH REMOVES MY ASYLUM. I STILL EVEN THOUGH IN PRISON YOU SENT ME, RECEIVE DOCUMENTS I APPLY FOR. THE APPEAL FOR THE SO CALLED DECISION WHICH ~~REMOVED~~ DENIED MY ASYLUM WAS DUE BY OCTOBER 20<sup>TH</sup> 2003. YOU HAVE 2 DAYS TO ASK FOR EXTENSION IF YOU ARE LATE AND DID YOUR FAKE APPEAL ON FEBRUARY 2004 AFTER 4 MONTHS. THAT'S LAW? YOU WANT TO CONTINUE WITH FAKE BUT GOD WILL DEFEAT YOU. I HAVE NEVER SEEN FOR MY KNOWLEDGE OF LAW A DECISION COMING FROM A COURT SIGNED WITHOUT NAME AND JUST SAYING "FOR THE COURT OR FOR THE BOARD. I SENT YOU BACK ALL YOUR PAPER, I KNOW MY ASYLUM STILL BE GRANTED AND STOP BOTHER ME WITH ALL YOUR FAKE, BECAUSE YOU ARE NOT MY LAWYER ANYMORE. YOU HAVE TO UNDERSTAND THAT.

N.B. AS A LAWYER YOU THINK THAT THE SAME JUDGE WHO GAVE A DECISION WITH "APPEAL WAIVED" CAN REVERSE HIS DECISION? WHERE IS THE DUE PROCESS?

THANK YOU

GOD BLESS YOU.

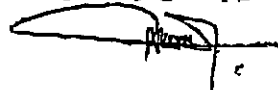


Exhibit B

11/23/04 17:48 FAX 413 785 0384

US ATTY'S OFFICE

011

11/16/2004 TUE 12:08 FAX

003/1011

N.B. DON'T SEND ME ANYTHING ABOUT MY CASE BECAUSE YOU'RE  
NOT MY LAWYER AND IF YOU DO IT WILL <sup>BE</sup> AN HARASSMENT.  
YOU SAID TO LORENA THAT YOU ARE NOT MY LAWYER AND  
YOU CAN'T CONTINUE WITH MY CASE WHY YOU KNOW THAT AND  
YOU RECEIVED MY DECISION TO SENT ME. I KNOW THAT YOU  
WANT ME TO STAY IN JAIL BUT GOD WILL SOLVE MY PROBLEM.  
I DON'T NEED NO LAWYER BECAUSE MY ASYLUM STILL BE  
GRANTED. AND GOD WILL MAKE YOU FALL INSIDE YOUR  
TRAP AS HE DID BEFORE.

Exhibit B

**Collins, Anthony D.**

---

**From:** Peter Goselin [pgoselin@yahoo.com]  
**Sent:** Monday, March 15, 2004 4:29 PM  
**To:** Collins, Anthony D.  
**Subject:** RE: Richard Sitcha

Anthony:

After my email, Ms. Dutrell had someone deliver copies of some of the pleadings to my office. Reviewing them in light of the information in your email, the light comes on and I have a somewhat better grasp of the situation. Now if they want to get Richard some legal assistance, I can at least tell them where things stand. Thanks a lot for the information.

Peter

— "Collins, Anthony D."  
<acollins@immigrationlawyerct.com> wrote:  
> Peter,  
> I would not be able to represent Mr. Sitcha. Mr.  
> Sitcha's appeal to the  
> Board of Immigration Appeals was dismissed on  
> February 25, 2004.  
> However, there are issues that may warrant federal  
> court review. Mr.  
> Sitcha and his friend, Lorena Dutrell, were informed  
> that the appeal was  
> dismissed. Mr. Sitcha was provided an entire copy  
> of his file. In  
> addition, Lorena was provided the transcripts of the proceedings, our  
> brief, DHS' brief, and the Board's decision. A  
> petition for review  
> with the Second Circuit must be filed within 30 days  
> of the Board's  
> decision. A motion to reconsider must also be filed  
> within 30 days of  
> the Board's decision. Finally, a motion to reopen  
> must be filed within  
> 90 days of the Board's decision.  
> Regards,  
>  
> Anthony D. Collins, Esq.  
> 664 Farmington Avenue  
> Hartford, CT 06105  
> (860) 233-1616  
> (860) 233-8578 fax  
> acollins@immigrationlawyerct.com  
>  
> This e-mail may contain confidential or privileged information which  
> is protected under the attorney-client privilege. If  
> you think you have  
> received this e-mail in error, please advise the  
> sender by reply e-mail  
> and then delete this e-mail immediately. Thank you.  
>  
> -----Original Message-----  
> From: Peter Goselin [mailto:pgoselin@yahoo.com]  
> Sent: Monday, March 15, 2004 1:41 PM  
> To: Collins, Anthony D.

> Subject: Richard Sitcha  
>  
> Attorney Collins:  
>  
> I believe that we met at a program for the Immigrant  
> Workers Freedom Ride here in Hartford during the  
> Summer. I have been deputized, I guess you could  
> say,  
> by some folks in the community who are concerned  
> about  
> your client / former client Richard Sitcha. On  
> Sunday  
> I attended a small meeting at Ste. Anne's on Park  
> Street with some people from that congregation and a  
> couple of other folks who are trying to understand  
> where Richard is in the legal process and what they  
> can do to help him.  
>  
> I understand that Richard has "fired" you, which,  
> coupled with the fact that I know very very little  
> about immigration law, makes this all a bit  
> uncomfortable. But I am wondering if I can impose  
> on  
> you for two purposes: 1) to try to get an  
> understanding of where Richard is in his appeal  
> process and what he needs to do next (or what can he  
> do next) so that I can communicate that to his  
> friends; and 2) to see if there is any way of  
> salvaging / restoring your relationship as his  
> attorney.  
>  
> Please feel free to either email in response or, at  
> your convenience, to call me at my office at  
> 570-4638  
> (we're actually right down the street from you).  
>  
> Sincerely,  
>  
> Peter Goselin